

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

**FILED**

**JUN 08 2018**

Clerk, U.S. District Court  
District Of Montana  
Missoula

DAVID WALTON,

Petitioner,

vs.

JAMES SALMONSON,

Respondent.

CV 18-40-M-DLC-JCL

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered his Amended Findings and Recommendations in this case on April 18, 2018, recommending dismissal of Petitioner David Walton's ("Walton") petition for writ of habeas corpus under 28 U.S.C. § 2254. Walton has failed to timely object to the findings and recommendations, and has waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). The Court will therefore review the record for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Lynch found, and this Court agrees, that this matter should be dismissed because Walton has not filed an individual petition for habeas corpus relief as directed. Walton is precluded from filing his request for habeas relief en


masse with other petitioners. Thus, his petition will be dismissed without prejudice.

Accordingly, IT IS ORDERED that Judge Lynch's Findings and Recommendations (Doc. 7) are ADOPTED IN FULL. Walton's Petition (Doc. 2) is DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that the Clerk of Court is directed to enter a judgment of dismissal.

IT IS FURTHER ORDERED that a certificate of appealability is DENIED.

DATED this 8<sup>th</sup> day of June, 2018.

  
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Dana L. Christensen, Chief Judge  
United States District Court